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REMARKSStatus Summary

In this Amendment, no claims are added, and no claims are canceled. Therefore, claims 1, 3-7, and 10-50 remain pending.

Claim Rejections 35 U.S.C. § 103

Claims 1, 4, 6, 7, 10-14, 17, 18, 20-24, 26, 27, 29-33, 37-42, 44, and 46 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,449,474 to Mukherjee et al. (hereinafter, "Mukherjee"). This rejection is respectfully traversed.

Independent Claim 1

Independent claim 1 recites a method for registering complaints against communication initiators. In independent claim 1, a signaling message relating to a communication from a communication initiator is received. A calling party identifier is extracted from the signaling message. It is determined whether the communication is from a communication initiator with whom an intended recipient does not desire to communicate. In response to determining that the communication is from a communication initiator with whom the intended recipient does not desire to communicate, a complaint registration message is automatically generated from a user communications terminal or an SSP. The complaint registration message identifies the communication initiator using the calling party identifier extracted from the signaling message. The complaint registration message is forwarded over a data network. The complaint registration message is generated by a complaint registration application that

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comprises at least one of hardware and software for determining whether the communication is from a communication initiator with whom the intended recipient does not desire to communicate. The complaint registration message is generated by a complaint message generator comprising at least one of hardware and software for generating the complaint registration message and forwarding the message over the data network. Thus, claim 1 recites automatically identifying, using hardware or software, a communication from an initiator with whom an intended recipient does not desire to communicate, generating a complaint registration message, and forwarding the complaint registration message over a data network.

There is absolutely no teaching or suggestion in Mukherjee of hardware or software for determining whether a communication is from a communication initiator with whom the intended recipient does not desire to communicate or automatically generating a forwarding and complaint registration message in response to determining that the communication is from a communication initiator with whom the intended recipient does not desire to communicate. Mukherjee is directed to a call intercept system. Rather than determining whether a call is unwanted from the perspective of the communication recipient, Mukherjee describes a solution for intercepting calls when a subscriber uses intelligent network (IN) services. For example, Mukherjee states:

As a result, tracking the subscriber becomes impossible. For originating calls using this service, a caller dials any number. If the mobile station is only identified by its LMP number, then tracking or call interceptive calls of the originator becomes difficult. As a result, a malicious mobile subscriber may allude monitoring agencies. Given this situation, a subscriber has the capability to remain anonymous to a law enforcement agency if all that is known to the law agency is the LNP number or some private number of the subscriber.

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Thus, it would be advantageous to have an improved method and apparatus for providing call interception for calls involving IN services.

From this passage, Mukherjee indicates that its disclosure is directed to intercepting calls for law enforcement purposes. These calls are presumably wanted calls to or from a person being monitored. There is absolutely no mention of identifying unwanted calls from the perspective of the intended communication recipient or automatically generating a complaint registration message in response to identifying such calls. It would not have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee to identify calls that are unwanted from the recipient's perspective because modifying the system of Mukherjee to identify such calls would make the system unsuitable for its intended purpose of monitoring calls for law enforcement. Since a called party who does not wish to receive a call will either decline the call or terminate the call shortly after receiving the call, identifying such calls is of little or no value for law enforcement, which is the stated purpose of the system disclosed in Mukherjee. Accordingly, for these reasons, it is respectfully submitted that the rejection of claim 1 and its dependent claims as unpatentable over Mukherjee should be withdrawn.

On pages 2 and 3, the Official Action indicates that column 6, lines 10-22 of Mukherjee teach determining whether a communication is from a communications initiator with whom communication is not desired. Applicants respectfully disagree. Column 6, lines 10-22 of Mukherjee are as follows:

SCP 402 will determine whether the number called has other aliases or associated numbers that have been provisioned through CIPC 400. If such a number is present, then the number will be returned in the response to MSC 404. Upon receipt of this number MSC 404 searches

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call intercept table 406 to identify the corresponding entry for the returned number to retrieve other call interception related information. Then the call may be monitored. In this example, the call intercept information also may include an identification of the law enforcement agency or agencies to receive call intercept information, a number for connecting to the law enforcement agency, and the type of data to be sent to the law enforcement agency.

From the above-quoted passage, Mukherjee indicates that an SCP determines whether a called number has any aliases associated with it. If so, the SCP forwards the alias numbers to the MSC. The MSC determines whether the call should be intercepted. Determining whether a call has any aliases or whether a call should be intercepted has nothing to do with determining whether a communication is unwanted from the perspective of the communications initiator or of generating a complaint registration message. Calls that are monitored for law enforcement purposes are wanted from the perspective of the target being monitored. Accordingly, the above-quoted passage that discusses identifying aliases and whether calls that have aliases should be intercepted fails to teach or suggest determining whether a communication is from a communications initiator with whom an intended recipient does not desire to communicate. Accordingly, for this additional reason, the rejection of claim 1 as unpatentable over Mukherjee should be withdrawn.

On page 3, the Official Action indicates that column 6, lines 14-26 and column 1, lines 66 and 67 of Mukherjee teach generating a complaint registration message identifying a communications initiator with whom communication is not desired and forwarding the complaint registration message over a data network. Applicants respectfully disagree. Column 6, lines 14-26 of Mukherjee state as follows:

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Upon receipt of this number MSC 404 searches call intercept table 406 to identify the corresponding entry for the returned number to retrieve other call interception related information. Then the call may be monitored. In this example, the call intercept information also may include an identification of the law enforcement agency or agencies to receive call intercept information, a number for connecting to the law enforcement agency, and the type of data to be sent to the law enforcement agency. In this example, the call intercept includes sending data to law enforcement agency 410. Communication with law enforcement agency 410 is achieved by establishing a communications link using a TCP/IP protocol.

The above-quoted passage from Mukherjee discusses identifying aliases used by calling parties for intercepting calls made by the calling parties. There is no teaching or suggestion of generating any messages relating to calls that are unwanted from the intended recipient's perspective or of forwarding such messages to a law enforcement agency.

Column 1, line 66-67 of Mukherjee states as follows:

As a result, a malicious mobile subscriber may allude monitoring agencies.

The above-quoted passage from Mukherjee indicates that it would be desirable to have a way to intercept calls when the caller uses alias numbers. Nothing about this passage teaches generating a complaint registration message or identifying communications that are unwanted from the perspective of the communications recipient.

Even though Mukherjee nowhere discusses identification of calls that are unwanted from a recipient's perspective or generating complaint registration messages based on such calls, the Official Action states:

The effect achieved by generating and transmitting of said information/message is the same as if said message would be a complaint registration message. (See Official Action, page 3, third paragraph.)

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The above-quoted passage from the Official Action is simply incorrect. The effect of generating a message that identifies a call to be intercepted is that the monitoring agency knows which call to intercept. In contrast, the effect of identifying calls that are unwanted from a recipient's perspective and generating a complaint registration message identifying such calls is that the burden on the called party of performing the action of identifying unwanted callers and notifying the appropriate entity is reduced. Accordingly, for these additional reasons, the rejection of claim 1 and its dependent claims as unpatentable over Mukherjee should be withdrawn.

Independent Claim 20

Independent claim 20 recites a method for automatically generating a complaint registration message in response to receiving a signaling message relating to a communication from a communication initiator with whom communication is not desired. The steps in independent claim 20 are performed at a user communications terminal associated with the communications recipient. A signaling message relating to a call from a communication initiator is received. It is determined, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient. In response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient, a complaint registration message is generated and transmitted over a data network. The determination as to whether a communication initiator has previously been notified not to initiate communications with the communication recipient is performed by a complaint

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registration application that includes at least one or hardware or software residing on the user communications terminal that performs a lookup in a call blocking table. A complaint message generator comprising at least one of hardware and software residing on the user communications terminal automatically generates the complaint registration message in response to determining that the communication initiator has previously been notified not to initiate communications with the communication recipient. Thus, independent claim 20 recites a method performed by hardware and/or software at a user communications terminal for identifying repeated unwanted callers and automatically generating and sending the message relating to such callers.

As stated above with regard to the rejection of claim 1, there is absolutely no teaching or suggestion of Mukherjee of identifying any unwanted callers, not to mention callers who have been previously notified not to initiate communications with a communication recipient. Mukherjee is directed to intercepting calls associated with surveillance targets. Thus, for this reason alone, the rejection of claim 20 and its dependent claims as unpatentable over Mukherjee should be withdrawn.

Moreover, the steps in claim 20 are performed using hardware and/or software at a user communications terminal. From the passages quoted above from Mukherjee, an SCP, which is a database separate from a communications terminal, and an MSC, which is a switch that is separate from the communications terminal, determine whether calls should be intercepted. Mukherjee teaches nothing about steps being performed at a user communications terminal. Accordingly, for this additional reason, the rejection of claim 20 and its dependent claims as unpatentable over Mukherjee should be withdrawn.

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With regard to determining whether a communication initiator has been previously notified not to initiate communication with a communication recipient, the Official Action states:

Also, Mukherjee does not specifically teach that said determining steps includes determining whether said communication initiator has been previously notified not to initiate communication.

However, Mukherjee teaches that it is difficult to track or intercept unwanted call initiators, which allows a malicious call initiators to allude monitoring agencies (C. 1, L. 64-67), which, in turn, indicates a repetitive character of said unwanted calls including making repetitive calls using the same number, and has been asked by disturbed subscribers of said numbers not to call again. (See page 4, paragraphs 4 and 5 of Official Action.)

The above-quoted passage from the Official Action ignores the fact that Mukherjee is directed to monitoring calls to or from call monitoring targets. The fact that these calls may be to or from undesirable individuals does not indicate anything as to whether the calls are wanted or not from the perspective of the communications recipient, not to mention whether the calling parties have been notified not to initiate communications with the communications recipient. As stated above, Mukherjee discloses intercepting calls for law enforcement purposes by configuring an SCP and an MSC to identify calls to or from surveillance targets. Such a system allows calls to be monitored, even when callers use alias numbers. In contrast, determining whether a call is unwanted from the perspective of the intended recipient using hardware or software in a user communications terminal reduces the burden on the user of having to manually identify such calls and generate a complaint registration message. Accordingly, for this additional reason, the rejection of claim 20 and its dependent claims as unpatentable over Mukherjee should be withdrawn.

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Independent Claim 26

Independent claim 26 recites a system for registering a complaint against a communication initiator. The system includes a communications terminal that receives signaling messages and communications from a communications initiator. The terminal determines whether the communication is from a communications initiator with whom the communications recipient does not desire to communicate. The communications terminal generates and forwards a complaint registration message over a data network in response to determining that the communication is from a communications initiator with whom the intended communication recipient does not desire to communicate. A complaint registration application and a complaint message generator on the communications terminal determine whether the communication is from a communication initiator with whom the intended recipient does not desire to communicate. A complaint registration server receives and processes the complaint registration message.

As stated above with regard to the rejections of claims 1 and 20, Mukherjee fails to teach any method or system for identifying calls that are unwanted from the perspective of the intended communication recipient. Mukherjee is directed to identifying calls made to or from call monitoring targets. Moreover, as stated above with regard to the rejection of claim 20, Mukherjee fails to teach or suggest any steps being performed by a communications terminal. In contrast, Mukherjee indicates that the steps of identifying calls directed to or from monitoring targets are performed by an SCP and an MSC. An SCP is a database that is separate from the user communications terminal. An MSC is a switching office separate from communications terminals and

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used in wireless networks to connect calls to wireless devices. Accordingly, Mukherjee cannot teach a system as claimed in claim 20 where the communications terminal identifies whether a communication is from a communications initiator with whom an intended recipient does not desire to communicate or that generates and sends a complaint registration message based on such identification. Accordingly, for these reasons, it is respectfully submitted that the rejection of independent claim 26 and its dependent claims as unpatentable over Mukherjee should be withdrawn.

Independent Claim 46

Independent claim 46 recites a computer program product comprising computer executable instructions embodied in a computer readable medium for performing steps. The steps include receiving complaint registration messages generated by at least one of user telephony communications terminals and telephony end offices in response to unwanted communications directed to the communications terminals. Communication initiator identifying information is extracted from one of the complaint registration messages. A lookup is performed in a complaint registration database to determine whether a match is present. In response to determining that a match is present in the complaint registration database, the communication initiator is identified as a repeat offender and a violation message is forwarded to an enforcement agency. Independent claim 46 has been amended to indicate that the unwanted communications are unwanted from the perspectives of intended communication recipients. As stated above, Mukherjee fails to teach or suggest identifying communications that are unwanted from perspectives of the communications recipients. Rather, Mukherjee is

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directed to identifying calls directed to or from call monitoring targets. Presumably, such calls are wanted from the perspective of the party being monitored. Mukherjee fails to teach or suggest anything about the perspective of the intended communication recipient. Accordingly, it is respectfully submitted that the rejection of independent claim 46 as unpatentable over Mukherjee should be withdrawn.

Independent Claim 50

Independent claim 50 recites a method for automatically registering complaints against communication initiators. The method includes receiving a signaling message from a communication initiator relating to a communication from the communication initiator. The calling party identifier is extracted from the signaling message. It is determined whether the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate. In response to determining that the communication is from a communication initiator with whom the intended recipient does not desire to communicate, a complaint registration message is automatically generated. The complaint registration message is generated from a user communications terminal or an SSP. The step of identifying whether the communication is from a calling party with whom an intended recipient does not desire to communicate is performed by a complaint registration application comprising at least one of hardware and software for accessing a call blocking table. The step of generating the complaint registration message is performed by a complaint message generator that includes at least one of hardware and software for generating the message and transmitting the message over a data network.

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As stated above, nothing in Mukherjee teaches or suggests identifying communications that are unwanted from the perspective of the communications recipient. Rather, Mukherjee is directed to identifying calls to or from call monitoring targets. Presumably, such calls are wanted from the perspective of the monitoring target. Mukherjee teaches nothing about the perspective of the communication recipient. Accordingly, for all the reasons stated above, it is respectfully submitted that the rejection of independent claim 50 as unpatentable over Mukherjee should be withdrawn.

Claim 3 was rejected under 35 U.S.C § 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 6,701,160 to Pender et al. (herein after, "Pender"). This rejection is respectfully traversed.

Claim 3 depends from claim 1. As stated above with regard to claim 1, Mukherjee fails to teach or suggest identifying communications that are unwanted from the perspective of intended communications recipients or automatically generating a complaint registration messages based on such communications. Pender, likewise lacks such teaching or suggestion. Pender is directed to a call blocking application that blocks incoming calls to a mobile terminal based on call blocking lists stored by a mobile terminal. (See Abstract of Pender.) There is absolutely no teaching or suggestion of automatically generating a complaint registration message or transmitting the complaint registration message over a data network. Thus, for this reason, the rejection of claim 3 as unpatentable over Mukherjee in view of Pender should be withdrawn.

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Claims 5, 28, 34-36, 43 and 45 are rejected under 35 U.S.C § 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 5,926,534 to Correia (herein after "Correia"). This rejection is respectfully traversed.

Claims 5 and 43 depend from claim 1. As stated above with regard to the rejection of claim 1 Mukherjee fails to teach or suggest a method for determining whether a communication is from a communication initiator with an intended communication recipient does not desire to communicate or of automatically generating a complaint registration message based on the identification. Correia likewise lacks such teaching or suggestion. Correia is directed to a preemptor device 10 that prevents unauthorized calls from being made to a computer. If a call is unauthorized, preemptor device 10 issues a negative signal onto connection wire 25. A negative signal on connection wire 25 prevents switch 26 from closing and connecting an incoming line 8 to the network. (See column 4 line 6-39 of Correia.) Thus, Correia teaches a device that blocks incoming calls. However, there is absolutely no teaching or suggestion of a complaint message generated for automatically generating a complaint registration message and transmitting such as message over a data network. Accordingly, it is respectfully submitted that the rejection of claims of 5 and 43 as unpatentable over Mukherjee in view of Correia should be withdrawn.

Claims 28 and 34-36 depend from claim 26. As stated above with regard to the rejection of claim 26, Mukherjee fails to teach or suggest a system where a communications terminal identifies whether a communication is from a communications initiator with whom an intended communication recipient does not desire to communicate or that generates and forwards a complaint registration message in

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response to the identification. Correia likewise lacks such teaching or suggestion. As stated above, Correia is directed to a call blocking application. There is no disclosure of any complaint message generation. Accordingly, it is respectfully submitted that the rejections of claims 28 and 34-36 as unpatentable over Mukherjee in view of Correia should be withdrawn.

Independent Claim 45

Claim 45 recites a computer program product comprising computer executable instructions embodied in the computer readable media for performing steps. The steps include receiving a signaling message associated with a communication from a communications initiator. Identifying information for the communications initiator extracted from the signaling message. A lookup is performed in a table to determine whether or not to allow the communication to be completed. In response to failing to locate an entry in the table, the communication is allowed to be completed. During the progress of the communication, it is determined whether a manual trigger has been generated by a user communications terminal to which the communication is directed. Claim 45 has been amended to recite that the manual trigger identifies the communication as unwanted from the perspective of the communications recipient. In response to determining that the manual trigger has been generated, a complaint registration message is generated and forwarded over the data network.

There is absolutely no teaching or suggestion in Mukherjee of identifying communications that are unwanted from the perspective of the communication recipient or of generating and sending the message in response to the identification. As stated

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above, Mukherjee is directed to intercepting calls for law enforcement purposes. An SCP and an MSC identify monitoring targets. No steps are disclosed as being performed at a user communications terminal. In addition, the communications being monitored are presumably wanted from the perspective of the monitoring target. Otherwise, as stated above with regard to claim 1, the monitoring would be useless. Accordingly, it is respectfully submitted that the rejection of claim 45 as unpatentable over Mukherjee in view of Correia should be withdrawn.

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 5,751,800 to Ardon (herein after "Ardon"). This rejection is respectfully traversed. Claims 15 and 16 depend from claim 1. As stated above with regard to the rejection of claim 1, Mukherjee fails to teach or suggest identifying communications that are unwanted from the perspective of an intended communication recipient or of automatically generated a complaint registration message based on such identification. Ardon likewise lacks such teaching or suggestion. Ardon discloses a method for blocking calls that requires callers to dial special type codes and screens the calls based on the dialed type codes. There is no teaching or suggestion of using a caller party identifier from a signaling message to determine whether a communication is from a communications initiator with whom the intended recipient does not desire the communicate. In addition, Ardon fails to teach or suggest generating a complaint registration message. Accordingly, for these reasons, it is respectfully submitted that the rejection of claims 15 and 16 as unpatentable over Mukherjee in view of Ardon should be withdrawn.

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Claims 19 and 25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Mukherjee in view of U.S. Patent 6, 668,175 to Almgren (herein after "Almgren"). This rejection is respectfully traversed.

Claim 19 depends from claim 1. As stated above with regard to the rejection of claim 1, Mukherjee fails to teach or suggest determining whether a communication is unwanted from the perspective of an intended communication recipient or of automatically generating a complaint registration message based on such identification. Almgren likewise lacks such teaching or suggestion. Almgren is directed to providing telecommunication services over a radio access bearer channel. Examples of the services disclosed in Almgren include email, HTTP services, or other IP-based services. There is absolutely no teaching or suggestion of identifying whether a communication is from a communication initiator with whom an intended communication recipient does not desire to communicate or of automatically generating a complaint registration message based on such identification. Accordingly, it is respectfully submitted that the rejection of claim 19 as unpatentable over Mukherjee in view of Almgren should be withdrawn.

Claim 25 depends from claim 20. As stated above with regard to the rejection of claim 20, Mukherjee fails to teach or suggest determining whether a communication is from a communication initiator with whom an intended recipient does not desire to communicate or of automatically generating a complaint registration message based on such a communication, where the steps are performed by the user communications terminal. Almgren likewise lacks such teaching or suggestion. Almgren is directed to providing IP-based services over a radio access network. None of these services

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include services preformed at a user communications terminal for identifying calls that are unwanted from the perspective of a communications recipient or automatically generating a complaint registration message based on such identification. Accordingly, for these reasons, it is respectfully submitted that the rejection of claim 25 as unpatentable of Mukherjee in view of Almgren should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

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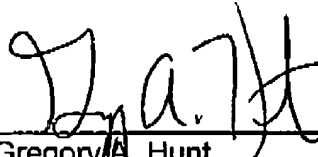
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Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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